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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/752,228 | 01/07/2004 | Kazuo Okada | 024016-00076 | 3554 |

4372 7590 12/02/2008
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| EXAMINER |
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THOMAS, ERIC M

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| ART UNIT | PAPER NUMBER |
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3714

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| NOTIFICATION DATE | DELIVERY MODE |
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12/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/752,228 | Applicant(s) OKADA, KAZUO | |
| | Examiner Eric M. Thomas | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to the amendments filed on 5/20/08; claims 1 and 8 have been amended and claims 9 – 11 have been added. Claims 1 – 11 are now pending in the current application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (U.K. 2,287,344).

Regarding claim 1, 5, 8, and 9, Price provides a gaming machine that discloses a cabinet, (fig. 3), a plurality of reels that are rotatably supported in the cabinet wherein each of the reels having a cylindrical member where symbols are displayed, (parts 2, 3, and 5 of fig. 3), a drive motor and a control circuit that operates the rotation of the drive motor, (col. 9, lines 20 - 24), a drive member that is rotatably supported contacting the outer periphery of the cylindrical member at a side edge of the reel, (part 34 of fig. 4), a follower that is rotatably supported contacting an inner surface of the cylindrical member, wherein the cylindrical member is nipped between the drive member and the follower (fig. 4).

Regarding claims 2 and 3, Price provides a gaming machine wherein the drive motor is arranged at a lower position of each of the reels, (fig. 4), wherein the claimed invention discloses that the drive motor is arranged at an upper position. At the time the invention was made, it would have been an obvious design choice to place the drive motor in an upper position instead of a lower position because the Applicant has not disclosed that placing the drive motor at an upper position instead of a lower position provides an advantage or solves a stated problem. Therefore, it would have been prima facie obvious to modify Price to obtain the invention as specified in claim 2 because such a modification would have been considered a mere design choice consideration which fails to patentably distinguish over the prior art of Price.

Regarding claim 4, Price provides a gaming machine that discloses a main control circuit that controls an entire game conducted by the reels that may be arranged closely to the drive motor and the rotation control circuit (col. 7, lines 9 - 12).

Regarding claims 6 and 7, Price provides a gaming machine wherein the drive member comprises a drive roller connected to a drive shaft of the drive motor wherein the follower comprises a following roller or pinion (fig. 4).

Regarding claim 10, Price provides a gaming machine that discloses a plurality of windows formed in front of the cabinet wherein each of the display windows correspond to each of the reels and symbols of the reel being seen through the window display, (fig. 3), and lights that are arranged within the reel wherein the lights are used to illuminate the symbols of the reel from an inner side of the reel (col. 7, lines 7 - 10).

Regarding claim 11, Price provides a gaming machine that discloses spokes arranged between the cylindrical member and the rotational shaft (fig. 4).

Response to Arguments

3. Applicant's arguments with respect to claims 1 - 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714